

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: <u>5/18/12</u>
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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ANDERSON A. PEREZ and JUAN CARLOS PEREZ,  
on behalf of themselves and others similarly situated,  
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Plaintiffs,  
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-v-  
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JUPADA ENTERPRISES, INC., d/b/a McDonald's;  
DETAIL SYSTEMS, INC., d/b/a McDonald's; and  
DAVID MOYETT, an individual,  
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Defendants.  
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10 Civ. 3118 (JMF)

ORDER

JESSE M. FURMAN, District Judge:


On December 6, 2011, Plaintiffs in this action, brought under the Fair Labor Standards Act ("FLSA"), 29 U.S.C. § 201 *et seq.*, and state law, moved for preliminary approval of settlement, conditional certification of the settlement class, appointment of plaintiffs' counsel as class counsel, and approval of plaintiffs' proposed notice of settlement and class action settlement procedure. Under Rule 23 of the Federal Rules of Civil Procedure and the FLSA, the Court must direct notice in a reasonable manner to all class members who would be bound by the proposal and must scrutinize the proposed settlement to ensure that it is fair, reasonable, and adequate. *See* Fed. R. Civ. P. 23(e)(1)-(2); *see also, e.g., Elliott v. Allstate Investigations, Inc.*, No. 07 Civ. 6078 (DLC), 2008 WL 728648 (S.D.N.Y. Mar. 19, 2008).

Accordingly, the parties are hereby ORDERED to appear for a conference before the Court on **June 25, 2012** at 11:00 a.m., in **Courtroom 26A** of the United States District Court for the Southern District of New York, 500 Pearl Street, New York, New York. At least five (5) days before the conference, the parties are to submit letters (jointly or separately, but in either case not to exceed five (5) pages) addressing (1) the justifiability of the portion of the settlement

designated as attorneys' fees; and (2) the fairness of the proposed separate settlement of the named plaintiffs' retaliation claims.

SO ORDERED.

Dated: May 18, 2012  
New York, New York



JESSE M. FURMAN  
United States District Judge